

CRIMINAL NO. 3:97CR288

SHAHBORN EMMANUEL

THIS MATTER is before the Court on the Defendant's motion for credit for time spent in federal custody while “awaiting trial, pleading or sentencing.” No response is necessary from the Government. The motion is denied.

The Attorney General of the United States, not the sentencing court, has the authority to compute the amount of pre-sentence credit. ***United States v. Wilson*, 503 U.S. 329 (1992)**. The Fourth Circuit has held that the district court should not reach the merits of a motion such as this. ***United States v. Odiana*, 7 F.3d 227 (table), 1993 WL 359159 **1 (4th Cir. 1993) (citing *United States v. Miller*, 871 F.2d 488, 490 (4th Cir. 1989) and *Chua Han Mow v. United States*, 730 F.2d 1308, 1313 (9th**

Cir. 1984) (Challenges to the computation of sentence must be brought in the district of confinement and only after the exhaustion of administrative remedies.)). Further, federal regulations provide for administrative review through the Bureau of Prisons of the computation of prison sentences and a defendant may not seek judicial review until after that review has been exhausted. ***United States v. Burcham*, 91 Fed. Appx. 820, 823 n.2 (4th Cir. 2004).**

IT IS, THEREFORE, ORDERED that the Defendant's "motion for prior jail credit" is hereby **DENIED**.

Signed: February 24, 2006



Lacy H. Thornburg
United States District Judge

